

AIR

EDBA 20850

3/27/1955

ATTN: Chief of Mission, Frankfurt

Case, Berlin Operations Base
CART/ST/CART/operational
CARCARANA 2/CARBONHYDRATE/CADROIT/HARVARD

INFO: Chief, BE

REF: EDBA 11380

1. Synopsis. The purpose of this dispatch is to report upon certain recent developments in the CARCARANA 2 case. These developments stem chiefly from the commencement of an action by CARCARANA 2 for divorce from her husband, CARCARANA.

2. It may be recalled that recent developments in the CARCARANA 2 case were discussed in some detail on 14 February among of Mission Headquarters/CART, of HARVARD, and of BOB/CADROIT. The history of this CART case and its recent developments are summarised below for better understanding of its present status:

A. After having served as a KUBAHL penetration of the East Berlin SOPO since 1948, CARBONHYDRATE moved permanently to West Berlin in December 1952. His KUBAHL case officer approached him on 1 January 1953 in connection with the possibility that he might become security officer for CART/ST and he began work with CADROIT on 1 April 1953. In January/February 1953 he recruited CARCARANA upon his case officer's instructions as a KUBAHL penetration of the East Berlin SOPO. After an initial meeting or meetings attended by CARBONHYDRATE, his KUBAHL case officer, and CARCARANA, the latter continued to visit CARBONHYDRATE socially at his West Berlin apartment (five or six times). CARCARANA 2, who was the wife of CARCARANA, had been meanwhile recruited as a courier/cut-cut. CARBONHYDRATE's recruitment of CARCARANA and the latter's visits to CARBONHYDRATE's West Berlin apartment were carried out prior to CADROIT'S association with CADROIT and thus without CADROIT'S knowledge of them at the time. 10

B. CARCARANA and CARCARANA 2 were arrested by the SFS in May 1953. The former was later sentenced to life imprisonment. CARCARANA 2 was recruited by the SFS. Her initial BEI's were to recruit CARBONHYDRATE and to lure him to East Berlin. To these were later added the mission of getting a job with CADROIT or HARVARD. She reported her SFS missions vis-a-vis CARBONHYDRATE to him upon her first visit to him in West Berlin. It was decided to mount a double agent operation. CARCARANA 2

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Attachments: USSEPCOV

- A - Affidavit
- B - Statement of Intentions
- C - Identities

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thereafter traveled for a number of months between her CARE and SFS case officers until it was decided for various reasons to terminate the operation. She was waybilled to Frankfurt on 8 January 1954 for disposal by HARVARD.

C. CARBOHYDRATE testified for CARCARANA 2 during her refugee screening in order to help her secure political recognition.

D. As a result of his former work for HARVARD and of his recruitment of CARCARANA, CARBOHYDRATE was tried in absentia for espionage and condemned to death in a show trial which many USG officers were required to attend.

E. CARCARANA 2 was resettled by HARVARD with the Frankfurt Military Post and is currently living in that city. CARBOHYDRATE recently reported that during her waybill to Frankfurt she had met an American flight mechanic ("Bordmechaniker") named Identity 1 with whom she has established a steady relationship. She desires to return to the United States with him, but believes that she cannot get a visa without a guiltless divorce. She thus engaged the Identity 2 law firm and started a divorce action in the Frankfurt Land Court in November 1954. Grounds for the divorce she alleged the "espionage conducted by her husband for an American intelligence service". She alleged that these espionage activities had been carried out against her will and advice.

F. It may be noted that West German law reportedly distinguishes between espionage, which is normally considered good grounds for divorce, and resistance activities, which are not.

G. CARCARANA is represented in the divorce action by Identity 3, a former West Zone lawyer now located in West Berlin. CARCARANA 2's lawyers wrote Identity 3, who then learned through letters to and from CARCARANA that CARCARANA is willing to give a divorce and is willing to assume the guilt, if necessary. However, since normally Identity 3's communications with his client have been and can be only by mail (which is censored by the SFS, of course), it is rather difficult to determine precisely the extent to which and the circumstances in which CARCARANA is willing to assume the guilt in the divorce action.

H. The Frankfurt Land Court began hearing the case on 10 January. The efforts of all concerned centered upon proving the espionage which had been alleged. No proof has been found sufficient to satisfy the court, although a number of efforts have been and are being made to provide it. The first attempt to secure proof of espionage was undertaken by CARCARANA's lawyer, who requested from the DMR court which had convicted CARCARANA a copy of the judgment in his case; this was to be entered before the Frankfurt court. Unfortunately, however, the DMR court sent only the final paragraph containing CARCARANA's sentence coupled with references to Article No. 6 of the DM constitution and similar vague statements. The DMR court did not provide the preceding opinion which contained its detailed findings (such opinions are quite often considered classified material in the DMR). The Frankfurt court rejected the statements of the DMR court concerning violations of Article No. 6 of the constitution as proof of espionage. CARCARANA's lawyer has renewed his efforts to secure the whole opinion desired, but success seems unlikely.

I. At this point, GARCARANA 2 reportedly told her lawyers and the court her version of:

- (1) GARCARANA's recruitment by CADBROYDITE for an American intelligence service, and
- (2) Her recruitment by the same intelligence service which employs CADBROYDITE and controls CADBROYT.

J. The next attempt to secure proof of GARCARANA's espionage consisted in efforts by GARCARANA 2's lawyers to persuade CADBROYDITE and GARCARANA's mother to sign affidavits attesting to their knowledge of the espionage. The mother refused to sign due to lack of knowledge. CADBROYDITE declined to sign an affidavit prepared by GARCARANA 2's lawyers to the effect that he "had put himself in contact with the appropriate agency (i.e., the intelligence office of an occupation power) and thereby determined that GARCARANA had been in contact with that agency, and that that contact had either caused or contributed substantially to his sentence".

K. As indicated by GARCARANA 2 and her lawyers in various letters to her mother-in-law, the next step in the attempt to prove espionage would normally be transmission of the official court record to the IBM court having jurisdiction over the jail where GARCARANA is incarcerated, in order that GARCARANA's testimony could be taken. This record presumably contains the information which GARCARANA 2 has given the Frankfurt court concerning her and her husband's relationships to KUBAK and CADBROYT, and thus would presumably also contain excellent material which could be reproduced for East and West German consumption in support of the Communist charge that CADBROYT is the willing handmaiden of U.S. intelligence. However, Paul W. LANGE, who has considered this question, feels it is highly unlikely that a West German court would follow this course over the protest of any of the parties, due to the hardships which might be visited upon GARCARANA as a result.

L. CADBROYDITE has discussed the divorce proceeding with CADBROYA's lawyer, who has appeared rather cooperative. The latter has taken the position in letters to GARCARANA's lawyers that:

- (1) Espionage is not good grounds for divorce in this case, since GARCARANA 2, contrary to her present statements, concurred in GARCARANA's activities.
- (2) As far as GARCARANA's lawyer can determine, GARCARANA engaged in resistance activity ("Fiderstandstätigkät") and not espionage.
- (3) However, GARCARANA agrees to the divorce and is willing to accept a certain amount of alimony, if necessary.

1. "Das Gericht macht es hier sehr schwer sich scheiden zu lassen, daher also die Prozeßgerung und die viele Schreiberei. Sie wollen alles ganz genau wissen und ich musste leider alles genau angeben, da man sonst nicht scheidet. Mein Rechtsanwalt hat mit dem Prozeßdienst gesprochen und ihm gesagt, dass alle einverstanden sind, und trotzdem will man nicht scheiden. Da ich aber, aus rein politischen Gründen die Scheidung durch haben will, so musste ich allerdings die Wahrheit sagen, mit Gewahrsamung hoherer Dienststellen"---quoted from a letter from GARCARANA 2 to her mother-in-law in West Berlin dated 24 January 1955.

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(4) GARGARIKAYE declined to sign an affidavit concerning GARGARAKA's activities after discussing the matter with the former's organization.

(5) GARGARAKA 2's lawyers should not attempt to have the case file sent to the DDR, since this would surely end all chances to secure an eventual lessening in GARGARAKA's sentence. GARGARAKA's lawyer based his argument on the fact that the file states that GARGARAKA engaged in action against the regime against the advice of his wife.

M. In reaction to the position taken by GARGARAKA's lawyer, GARGARAKA 2's lawyers sent a letter to GARGARAKA's lawyer which contained the following points:

(1) It was never GARGARAKA 2's intention to spell out to the Frankfurt court "all the details" of GARGARAKA's activities. A detailed statement had been given the court only because it had been demanded by the court.

(2) It was not necessary to look into the nature of GARGARAKA's political activity. The grounds as they were then alleged lay in the fact that GARGARAKA's political activity destroyed "an untroubled marriage which would have lasted for many years except for GARGARAKA's political activity". (Comment: Although this statement of the grounds was somewhat vague, it appeared to represent a retreat from the bold statement of "espionage for an occupation power" previously alleged by GARGARAKA at least in her lawyers' letters.)

(3) GARGARAKA 2's lawyers still desired an affidavit from GARGHYDRATE to be entered before the court, but were somewhat vague as to what the affidavit should contain. It was noted, however, that an affidavit dealing with matters affecting the marriage only would be sufficient; it would not be necessary to go into political affairs. The letter also noted that that GARGARAKA 2 had told her lawyers would be sufficient grounds to get a divorce. GARGARAKA 2's lawyer requested that GARGARAKA's lawyer send an affidavit by air mail as soon as possible, stating that he would postpone court proceedings until the affidavit arrived. GARGARAKA 2's lawyer then subtly threatened again to have the case file sent to the DDR unless an affidavit from GARGHYDRATE were forthcoming, noting that GARGARAKA's lawyer would be given due notice before such an attempt were made.

M. GARGHYDRATE and GARGARAKA's lawyer attempted to draft an affidavit which would satisfy the Frankfurt court that a divorce should be granted, without unduly injuring GURKAR/GARGARAKA/GARGHYDRATE interests. This draft affidavit is contained in separate cover attachment 1. Briefly, the draft states that GARGARAKA visited GARGHYDRATE in West Berlin shortly after the latter's flight from East Germany. When GARGARAKA asked GARGHYDRATE why the latter had fled, the former learned for the first time of GARGHYDRATE's "political activity against the Communist regime in the Soviet Zone over a period of many years". GARGARAKA then expressed a desire to engage in similar work and asked GARGHYDRATE whom he should see in this connection. In answer to this request GARGHYDRATE gave GARGARAKA an address which he had learned during his refugee screening. During later social visits to GARGHYDRATE in West Berlin, GARGARAKA supposedly told GARGHYDRATE that he had visited this address and been referred to a western occupation authority for which he had begun working. The draft affidavit continues to the effect

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that GARNETT did not realize the full extent of CANCARAMA's secret work until informed by CANCARAMA 2 after CANCARAMA's arrest. CANCARAMA 2 also told GARNETT that she had always opposed her husband's political activities. GARNETT requested a decision from the undersigned as to whether or not he should sign the affidavit in question. (Comment: The affidavit does not conflict with the statement of CANCARE intentions vis-a-vis GARNETT excluding the collection of positive intelligence from the project's functions, which was re-affirmed to CANCARE in October of last year, since CANCARE's part in the matter described was carried out prior to his becoming associated with CIA HAT. Since the affidavit contains certain falsehoods, however, it would make GARNETT technically subject to prosecution for perjury, and the possibility would exist that it might be compared with statements already made by CANCARAMA 2 to her lawyers and to the Frankfurt court. It was Paul K. LUDWIG's opinion, in addition, that the court might not accept a signed affidavit as evidence, but might well insist upon a direct examination of AMERICANATE in any case.)

O. CANCARAMA 2's lawyers have considered the possibility of finding proof sufficient to satisfy the court in GARNETT's statements to the refugee screening authorities who examined CANCARAMA 2 prior to granting her political recognition. At KUBAK instructions, GARNETT had appeared as a witness for CANCARAMA 2, and testified (1) that CANCARAMA had a western political orientation, and (2) that CANCARAMA had worked for a western organization (unidentified). GARNETT reports, however, that no written record was kept of either his testimony or the fact that he had been a witness. CANCARAMA 2's lawyers state that the certificate furnished to her by the *Veraufnahmeverfahren* gives only the following as the reasons for the decision to grant her political recognition: "The statements of the witness, which were believable, served further to corroborate CANCARAMA 2's statements".

3. Paul K. LUDWIG has given the following as his opinion concerning certain of the legal questions which are presented by the events described above:

A. GARNETT could sign the affidavit contained in attachment 4 without great risk to GARNETT. LUDWIG argues that at the time the events took place, GARNETT was not yet connected with GARNETT, but was a private, unemployed individual.

B. It is not certain that the present grounds alleged by CANCARAMA 2's lawyers will suffice to secure a divorce.

C. It would be wise to make sure that the divorce is secured in the present court rather than have a divorce refused there and have a new action begun in the next higher level court ("Oberlandesgericht"). The latter is much more reluctant to grant divorce than the court presently having jurisdiction.

D. It would therefore be advisable to add "alienation of affections" ("Schwiderige Beziehungen") as a second ground for divorce. This would require CANCARAMA's lawyer (1) to induce CANCARAMA to agree to confess to such an affair and (2) to induce CANCARAMA 2's lawyer to allege the supposed affair as added grounds.

4. As noted above, certain efforts have been made through CARBOHYDRATE and CARCARANA's lawyer to:

A. Determine whether or not it could be possible for CARCARANA 2 or her husband to secure a divorce in some way other than by documenting the fact that CARCARANA 2 engaged in espionage for an intelligence service for which he had been recruited by CARBOHYDRATE. Efforts along this line are limited, however, by the difficulty of communicating with CARCARANA in jail, and by the fact that our lines of communication to and control over CARCARANA 2 and events in the Frankfurt court are third hand at best.

B. Secure sufficient proof of espionage to secure an expeditious divorce, if it appears that the original commitment to espionage as divorce grounds is too firm to cease entirely. The effort here has been to prevent either CARBOHYDRATE's signing an affidavit which is too damaging, the transmission of the case file to the Soviet zone, or the possible subpoena of CARBOHYDRATE.

5. The most recent development in the case is the decision by the Frankfurt court to order the interrogation of CARBOHYDRATE, CARCARANA's mother, and CARCARANA 2's sister, Identity 4, concerning the following allegations made by CARCARANA 2:

A. "The defendant, as an officer and advisory official of the Volkspolizei in East Berlin, stood in contact with an American intelligence organization in West Berlin, sought the latter out repeatedly, delivered intelligence material to it, and was for that reason arrested in May 1953 and later sentenced.

B. He continued this activity despite the fact that his mother and the plaintiff warned him clearly against it and demanded that he cease it."

CARCARANA's mother is to be interrogated concerning allegations "a" and "b". CARBOHYDRATE is to be interrogated concerning allegation "a". CARCARANA 2's sister is to be interrogated concerning allegations "a" and "b". The mechanics of the interrogation would normally involve transmission by the Frankfurt court to a Berlin court of the statement of issues concerning which evidence is to be taken, a subpoena (Verladesung) of CARBOHYDRATE, examination of him by the Berlin court, and transmission of the resulting information to the Frankfurt court. The Frankfurt court has ordered, however, that the above machinery will go into action only when the plaintiff deposits DM 10 for the costs of interrogating each of the witnesses. CARCARANA 2's lawyer has written CARCARANA's lawyer that payment of the interrogation costs involved will be withheld for the time being in the hope that an affidavit signed by CARBOHYDRATE will make the interrogations unnecessary.

¹
Quoted from the Neueisbeschluß or statement of issues concerning which evidence is to be taken. The full text is contained in attachment 2.

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6. In the belief that there is a clear need for a direct channel to CARCARANA 2's lawyers and perhaps with CARCARANA 2 also, and in an attempt to prevent the consummation of a subpoena of CARCARANA 2, it is intended to send CARCARINATE to Frankfurt to discuss the case. His initial aim will be the withdrawal of his subpoena. His secondary aim will be the securing of a divorce upon grounds other than espionage for an American intelligence service. To these ends, CARCARINATE will adopt the following general approach in discussions with CARCARANA 2's lawyers: the latter must bend every effort to prevent the examination of CARCARINATE by subpoena or otherwise. Any such examination, in order to avoid perjury, would have to document the fact that CARCARANA 2 not only did not advise against CARCARANA's activities, but actively engaged and cooperated in them to the extent of acting as a courier/cut-out. Since CARCARANA 2 would be revealed clearly as an accessory to her husband's activities, espionage would be completely knocked out as grounds for divorce. A divorce can be secured upon other grounds (possibly alienation of affections) only upon a basis of cooperation with CARCARANA's lawyer and CARCARINATE. This approach may require CARCARINATE to admit to CARCARANA's lawyers more involvement in CARCARANA's activities than would normally be desirable, in order to make crystal clear the futility of attempting to secure a divorce grounded upon espionage through a subpoena of CARCARINATE. The approach is based upon the belief, however, that the chief desire of CARCARANA 2 and her lawyers is to secure a divorce, and not to embarrass the U.S. In view of the issuance of a subpoena, it is also felt that delay for the purpose of arranging an approach to CARCARANA 2 and/or her lawyers by some person other than CARCARINATE might prove unwise.

7. I has copies of two contact reports written by the undersigned concerning two meetings on 3 and 7 February; these contact reports give most of the details concerning CARCARANA 2's divorce action.

8. Further details will be reported as they become available.

APPROVED:

2 March 1955/hpv

ERKLÄRUNG

Nach meiner am 10/1/53 erfolgten Flucht aus dem Bezirk von Berlin bin ich Ende Januar oder Anfang Februar 1953 in private Aufnahmen mit dem mir sehr gut bekannten, frischeren Volkspolizeirat OTTO HÜLSE aus Berlin-Treptow getreten. CIRCARANA besuchte mich in Westberlin. Dabei habe ich CIRCARANA von meiner langjährigen politischen Tätigkeit gegen das kommunistische Regime in der sowjetischen Besatzungszone und in Westberlin, von der er vorher nichts gewusst hatte, erzählt, um ihm meine politische Flucht zu erklären. Daraufhin ausserte er von sich aus spontan der Wunsch, nunmehr ebenfalls für die Sache des Volkes zu arbeiten. Ich habe ihm damals ausdrücklich auf die Gefährlichkeit einer derartigen Beteiligung aufmerksam gemacht und auf die möglichen Folgen einer Entdeckung dieser, im Sinne der sowjetischen Geheimschäden illegalen und strafbaren Tätigkeit hingewiesen.

CIRCARANA ausserte, dass er sich der Gefahr völlig bewusst sei, jedoch wolle er sie auf sich nehmen und glaube, ihr mit der gebührenden Vorsicht aus dem Weg gehen zu können. Er fragte mich dann, wohin er sich in Westberlin wenden könne. Daraufhin nannte ich ihm die Anschrift einer Westberliner Stelle, die mir beim Durchlaufen des Aufnahmeverfahrens bekannt geworden war.

Bei späteren Besuchen in Westberlin, zuletzt Anfang Mai 1953, erzählte CIRCARANA dann mir die von mir benannte Stelle mit der Organisation einer Westlichen Besatzungsmacht in Kontakt gebracht hätte. (Um welche Organisation es sich handlete, sagte er nicht.) Er gab an, dass er nunmehr für diese Organisation aktiv sei und, dass ihm die Arbeit gefalle.

Den vollen Anfang seiner Geheimen Tätigkeit erfuhr ich erst nach der Verhaftung von CIRCARANA durch seine gefürchtete Ehefrau CIRCARANA z. CIRCARANA z. ausserte sich damals dahingehend, dass sie immer gegen eine derartige politische Beteiligung ihres Mannes gewesen wäre, und dass CIRCARANA dadurch ihre Ehe zerstört hätte.

Weitere Tatsachen kann ich nicht angeben.

CARBOHYDRATE

cleq C D EG-PA-20850

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Anlage 3)

Abt. 2/27/4/Gro.

Betr.: Herms v. Herms. ATTACHMENT TO POGA 2686

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c/EE

Beweisbeschluss.

I. Über die Behauptungen der Klägerin:

- 1.) der Beklagte habe als Offizier und Polizeirat der Volkspolizei in Osterberlin mit einer amerikanischen Nachrichtenorganisation in Westberlin in Verbindung gestanden, habe diese wiederholt aufgesucht und ihr Nachrichten geliefert und sei deswegen im Mai 1953 in Osterberlin verhaftet und später verurteilt worden;
- 2.) er habe diese Tätigkeit fortgesetzt, obwohl seine Mutter und die Klägerin ihn eindringlich gewarnt und aufgefordert hätten, diese Tätigkeit einzustellen;
soll Beweis erhoben werden durch Vernehmung der von der Klägerin benannten Zeugen:
 - a) Margarete HERMS, Berlin-Charlottenburg, Holtzendorfstrasse 8, zu 1 und 2)
 - b) Helmut CASTIMIR, Berlin-Zehlendorf, zu Laden beim Bund freiheitlicher Juristen, zu 1)
 - c) Levin Erika CHMIELA, Mm., Ginnheimerlandstrasse 123, zu 1 und 2).

II. Der Klägerin wird aufgegeben, die ladungsfähige Anschrift des Zeugen Casimir binnen 2 Wochen mitzuteilen.

III. Zunächst sollen die Zeugen in Berlin im Rechtshilfewege vernommen werden. Die Vernehmung der Zeugin Chmiela soll vor dem Einstweiler erfolgen.

IV. Die Abendung des Rechtshilfesuchens und die Ladung von Zeugen erfolgt nur, wenn die Klägerin für jeden Zeugen binnen 2 Wochen entweder einen Auslagenvorschuss von je DM 10,— einzahlt oder Gebührenverzichtserklärungen beibringt.

V. Neuer Termin nach Erledigung des Rechtshilfesuchens von Amts wegen.

Frankfurt am Main, den 11.2.1955

Landgericht, 10. Zivilkammer

ges. Dr. Sommer, Anders, Dr. Heftner.

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Attachment C URGENT
to ZUSA 20850

Identity 1 is Bob LNU

Identity 2 is Dr. Rudolf MAPP and Friedrich J. K. SCHMITT,
Frankfurt/Main, Bockenheimer Anlage 1a

Identity 3 is Erich SIEBEL, Berlin-Charlottenburg, Giesebrechtstr. 18

Identity 4 is Marin Erika CHNEILA, Ginnheimerlandstr. 133

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